King County	Department of Adult and Juvenile Detention Adult Divisions General Policy Manual	
	Chapter 6 **Classification and Discipline**	
6.03.007, **Transgender Residents**	Approved By:	Director Allen Nance
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Purpose

To establish protocols pertaining to the treatment of transgender, transsexual, intersex, and gender variant persons who are incarcerated and housed within King County's Department of Adult and Juvenile Detention (DAJD).

Policy

It is the policy of this department that all jail staff (custodial, administrative, Jail Health Staff (JHS), and all other support and programs access staff) and volunteers will treat transgender, transsexual, intersex, and gender variant residents in a professional, respectful and courteous manner that is consistent with all of their rights under state and federal law. This policy will ensure not only that the residents are treated with dignity, but that staff have the information and support they need to be more effective in their duties and responsibilities.

References

Department Forms:	Housing Preference Statement (F-832) Strip Search Form Deferral Screening Form
King County HR Policy:	2021-0012, Nondiscrimination, Anti-Harassment & Inappropriate Conduct Policy & Reporting Procedures
Department Policies:	4.02.005, Search of Residents 5.01.001, Intake Procedures 6.01.005, Resident Classification and Assessment 6.03.001, Restrictive Housing 6.03.003, Critical Resident Placement 6.04.001, Prison Rape Elimination Act (PREA) 6.04.002, Resident Grievance Procedures
JHS:	J-F-01, Patients with Chronic Disease and Other Special Needs

Definitions

Gender: The psychosocial construct used to classify a person as a male, female, both, or neither. Gender encompasses all relational aspects of social identity, psychological identity, and human behavior.
Gender Identity: A person's internal sense of their own gender.
Gender Expression: The way a person externally expresses their gender through name, pronouns, clothing, appearance, behavior, speech, and/or body characteristics.
Gender Variant: A person whose gender expression differs from conventional expectations of masculinity and femininity**.**
Intersex: A person who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male nor female, or which combine features of the male and female sexes.
Sex: The physical anatomy that determines whether someone is male, female, or intersex.
Staff: For the purposes of this policy, "staff" shall refer to all full and part-time employees, volunteers, contractors, vendors and those with facility access.
Transgender: A person whose gender identity is different than the gender they were assigned at birth. Transgender is inclusive of such diverse categories as transvestism and transsexualism.
Transsexual: A person who establishes a permanent identity with the opposite gender of their assigned sex. Transsexual males and females may make or desire to make a transition from their birth sex to that of the opposite sex, with some type of medical alteration (sexual reassignment therapy) to their body.

A. General Guidelines

1. DAJD staff and volunteers shall treat all transgender, transsexual, intersex, and gender variant residents in a professional, respectful and courteous manner that is consistent with all of their rights under state and federal law.
2. A person's self-identification as transgender, intersex or gender variant is sufficient to trigger the protections and procedures of this policy. Documentation of a medical diagnosis or legal documentation of a name change is not required for staff to respect or confirm a person's gender identity, absent specific evidence that a person has asserted a gender identity falsely.
3. All department forms, formal interaction, addresses, and valid law enforcement discussions shall include the arrestee's birth and legal name or the name the resident has been booked under.
4. Staff should address residents by last name and shall not use forms of address such as Mr. or Mrs.
5. If a staff member is uncertain about names or preferred pronoun, staff should respectfully ask the resident.
6. Residents shall not be punished for respectfully clarifying name or preferred pronoun usage by staff.
7. DAJD staff shall not ask transgender/intersex residents about their genitalia. If an inquiry about the genitalia of a transgender resident is part of a formal investigation or other situations that affect the safe and secure operation of the facility, such an inquiry shall be made by JHS staff.
8. Unless such questions are part of a formal investigation or other situations that affect the safe and secure operation of the facility, staff shall not ask personal

questions related to sexual identity, gender identity, gender expression or genitalia.

9. Like all residents, transgender, transsexual, gender variant, and intersex residents shall have access to all necessary medical and mental health care in accordance with Jail Health Service (JHS) procedures.
10. Transgender, transsexual, gender variant and intersex residents will be provided with a standard commissary form that conforms to their housing assignment and security level:
    a. As long as it does not interfere with the safe and secure operation of the facility, transgender, transsexual, gender variant, and intersex residents shall be permitted to order from commissary and to wear the same items as anyone else who shares their gender identity (i.e., transsexual women will be provided with bras and personal supplies given to other females).
    b. A transgender or intersex resident who has not had and/or will not be having chest surgery, shall upon request be issued shirts that are large enough to fit loosely over the chest area to help the resident maintain a gender-congruent appearance.
    c. Menstrual hygiene supplies are available on an as-needed basis.
    d. Shaving supplies are available to all residents through the facilities commissary, unless prohibited due to safety or security concerns.
    e. After reviewing a resident's medical history, and if approved, JHS is responsible for providing transgender or intersex residents with necessary continuing care items such as stents and other post-operative supplies.

B. Intake, Transfer and Release

1. At the time of booking, the officer shall make a subject note and mark the Deferral Screening Form denoting the resident's gender identity and the resident's sex and notify the ITR Sergeant.
2. All residents shall be booked by their legal name. If a resident has changed their legal name, the new legal name may be used if verified using:
    a. Passport showing new name.
    b. Driver's license/ID.
    c. An order from the court reflecting the legal name change.
3. Following department policy 5.01.001, Intake Procedures, all residents shall be screened for medical and psychological issues and be afforded the opportunity to speak with medical and psychiatric services in order to assess the resident's needs.
4. Department staff shall follow the dictates of this policy and other relevant departmental protocol for handling transsexual, transgender, gender variant, or intersex residents during transport, release, or any other time the resident is off jail grounds, but still in department custody.
5. Department staff will not search or physically examine a transgender or intersex resident for the purpose of determining the resident's genital status.
6. Requests made by transgender residents for transition items shall be referred to JHS for approval.

7. If a transgender, intersex or transsexual male is booked wearing a chest binder, the chest binder will be inspected by the uniformed staff member performing the dress-out process.
    a. If the uniformed staff member performing the inspection of the personal chest binder does not believe that the chest binder poses a security concern, the resident will be allowed to keep their personal chest binder.
    b. If the uniformed staff member performing the inspection of the personal chest binder believes that the chest binder poses a security concern, the ITR Sergeant shall be contacted.
        1) If the ITR Sergeant determines that the chest binder poses a security concern, the resident shall be provided with a Department chest binder; if the chest binder does not pose a security concern, the resident will be allowed to keep their personal chest binder.
        2) These Department provided chest binders will be kept in the ITR Sergeant's office.
        3) If a transgender, intersex or transsexual male asks for a chest binder but was not wearing a chest binder at the time of booking, they will be informed that they can purchase one from commissary.
8. Strip searches, pat-down searches, and resident "dress-outs" shall be carried out in accordance with Department policy 4.02.005, Search of Residents, including, but not limited to:
    a. Absent exigent circumstances, strip searches of transgender, transsexual, intersex, or gender variant residents must be authorized by a Sergeant (or higher authority) before proceeding. Absent exigent circumstances, in deciding which gender the officer(s) who will perform the strip search should be, the Sergeant (or higher authority) will consider the following:
        1) **Resident Preference:** Staff should discuss the matter with the resident to see whether the resident has a preference.
        2) **Gender Identity and Expression:** If staff is uncertain about the resident's gender identity, they will respectfully ask the resident. If the resident's gender identity cannot be determined, or the resident refuses to cooperate, JHS shall be consulted to help make the determination, with uniformed staff standing by for security purposes.
    b. In order to respect the personal beliefs of officers, sergeants shall not order an officer to strip search a resident of the opposite sex.
    c. Those residents in post-conviction status or being booked on those charges that require a strip search shall be searched following the guidelines in the above strip search policy.

The reason for the strip search and the basis for the decision as to which officer(s) will conduct the strip search must be documented on the Strip Search Form and in a subject note.

C. Behavior toward Transsexual/Transgender/Intersex/Gender Variant Residents

1. Following King County HR policy 2021-0012 Nondiscrimination, Anti-Harassment & Inappropriate Conduct Policy and Reporting Procedures, any discrimination or harassment of residents based on transgender, transsexual, intersex, or gender variant status is prohibited by department staff or by residents. This includes but is not limited to:
   a. Talking about a transgender, transsexual, intersex, or gender variant resident in a derogatory or hurtful manner.
   b. Talking about or ridiculing transgender, transsexual, intersex, or gender variant residents specifically, or these populations in general, to the larger resident population. This could have the effect of sanctioning and bringing already existing prejudicial feelings to the surface in other residents, which could make things unsafe for transgender, transsexual, intersex, and gender variant residents.
   c. Asking a resident personal questions about what their genitals look like, why they want to undergo gender reassignment, or anything else related to their gender identity or its presentation. However, there may be times where questions regarding sensitive topics will be necessary, such as when JHS personnel are performing their duties relating to the sexual and gender identity of a resident, during departmental investigations or other formal inquiries, or as part of the classification process.
2. DAJD will immediately address and investigate any complaints of sexual assault, sexual harassment, or other threats to safety directed at any transgender, transsexual, intersex, or gender variant resident by DAJD staff or other residents and will take appropriate action to ensure the safety of the person making the complaint.

D. Housing

1. The classification of all transexual, transgender, intersex, and gender variant residents shall be done in accordance with department policies 6.01.005, Resident Classification and Assessment and 6.03.003, Critical Resident Placement.
2. The housing decision of transsexual, transgender, intersex, and gender variant residents will be made by the Transgender Review Committee (TRC). The CPSS will coordinate the TRC reviews on weekends and holidays. The TRC consists of the Corrections Programs Administrator (CPA) (or designee), a corrections captain, a psychiatric services provider (or designee), and the JHS Medical Director (or designee). The TRC shall be available to meet daily, including weekends, to assess the resident's medical, psychological, and housing needs and shall make a housing decision no later than the following day during dayshift.
   a. The TRC review may be delayed while a resident has a medical isolation alert (such as for tuberculosis, COVID-19, droplet precaution, contact precautions, etc.).
   b. Until a housing decision is made by the TRC, the resident may be temporarily housed in restrictive housing to address safety and security concerns.

Serious consideration will be given to the resident's preference in determining whether the resident will be housed in a male or female housing unit.

c. If a newly booked transgender resident has had a TRC housing assessment in the previous 90 days, the original housing decision made by the TRC should be continued. The CPS in Intake, Transfer and Release (ITR) will confirm that the resident's housing preference has not changed, and their current charge would not prohibit placement into that housing, prior to assigning the transgender resident to a housing location.

3. The resident will be given the opportunity to participate in the TRC assessment, in person, unless safety or security concerns do not warrant participation. All guidelines laid out within this policy shall be considered in an attempt to determine the resident's vulnerability and to ensure the least restrictive housing placement.
4. When asking questions about gender identity, DAJD staff will make it clear that this information will be kept confidential from others, except for other staff members on a need-to-know basis.
5. The resident will be provided an opportunity to complete a Housing Preference Statement (F-832) prior to the TRC assessment. If a resident with disabilities request assistance completing the form, the ADA Coordinator (or designee) will provide assistance.
6. In making housing and programming assignments for transsexual, transgender, intersex, or gender variant residents, to include whether to house the resident in male or for female housing, the TRC shall make an individualized case-by-case decision about which placement will ensure the resident's health and safety, and which placement would prevent management or security problems. The housing decision shall be the least restrictive appropriate housing option and be made under the presumption that the resident will be housed in accordance with their gender identity, unless there is written documentation that such placement would, as determined by the TRC or jail management, jeopardize either the resident's safety or interfere with the security and operation of the facility. A transsexual, transgender, intersex or gender variant resident's own views with respect to their own safety, and the resident's personal preference, shall also be given serious consideration when making housing placement and programming assignments. Community Corrections Division (CCD) Caseworkers shall make these same considerations for housing within County facilities but shall also notify a contract housing location in advance of any placement of a transsexual, transgender, intersex, or gender variant resident in a non-County housing location. If staff is uncertain about the resident's gender identity, they should respectfully ask the resident, as provided in the General Guidelines above.
7. Factors that may be considered by the TRC in making housing and programming assignments pursuant to Section D.7 include, but are not limited to:
   a. Current charge(s).
   b. Registered sex offender status.
   c. Violations of PREA.
   d. History of victimizing others.

   e. Sexually inappropriate behaviors towards other residents during incarceration.
8. If an individual must be housed in a restrictive housing unit, serious consideration will be given to whether they prefer to be in a male or female housing unit. The housing decision will be documented in the resident's classification record.
   a. The CPA shall ensure the determination is documented in the resident's classification record.
9. Placement and programming assignments for each transsexual, transgender, intersex, or gender variant resident shall be reassessed at least twice a year to review any threats to safety experienced by the resident. This requirement shall not prevent an earlier review, if the resident expresses fear about such threats less than six months after the most recent review.
10. Transsexual, transgender, intersex, or gender variant residents shall be given the opportunity to shower separately from other residents.
11. Transsexual, transgender, intersex, or gender variant residents placed in protective custody/group restrictive housing because their gender identity/expression would place their safety at risk in general population shall have access to the same programs afforded to general population residents assigned to the same security level, unless a determination is made the resident would be at risk or otherwise ineligible.

E. Dispute Resolution

1. Following department policy 6.04.002, Resident Grievance Procedures, residents have the right to submit a written or verbal complaint when an issue cannot be resolved informally, or the allegation involves gross or criminal misconduct by staff.
2. If the grievance protocol does not resolve the issue or complaint, the resident may attempt resolution through the use of the King County Ombudsman's Office.
3. A transgender resident has the right to appeal a housing decision made by the TRC by filing a grievance.

F. Training

1. The department shall ensure all employees, contractors, vendors and volunteers who have contact with residents have been trained on how to comply with PREA standards.
   a. For employees, this training will occur during New Employee Orientation (NEO), with refresher training occurring every two years.
   b. Training for contractors, vendors, and volunteers will occur during initial orientation.